

EXHIBIT 6

- EXCERPTED TRANSCRIPT -

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

— — —

4 WILLIE DAVIS, JR., : CIVIL ACTION
5 NATHANIEL BRIDDELL, GEORGE :
6 W. FEDDIMAN, JOSEPH :
7 GARRISON, LARRY E. GIBBS :
8 and ROY H. WALTERS, :

7 ALL SIMILARLY-SITUATED
8 CURRENT AND FORMER
9 EMPLOYEES OF MOUNTAIRE
FARMS, INC., MOUNTAIRE
FARMS OF DELMARVA, INC.,
10 and MOUNTAIRE FARMS OF
DELAWARE, INC.,

11 Plaintiffs,

12 vs. :

13 MOUNTAIRE FARMS, INC.,
14 MOUNTAIRE FARMS OF
15 DELMARVA, INC., and
15 MOUNTAIRE FARMS OF
15 DELAWARE, INC. All Delaware
corporations,

Defendants. : NO. 04-0414 (SLR)

Wilmington, Delaware
Thursday, August 7, 2008
8:35 o'clock, p.m.

BEFORE: HONORABLE SUE L. ROBINSON, U.S.D.C., and a jury.

Valerie J. Gunning
Official Court Reporter

1 APPEARANCES:

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3 MARTIN & WILSON, P.A.
4 BY: JEFFREY K. MARTIN, ESQ. and
5 TIMOTHY J. WILSON, ESQ.

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8 Counsel for Plaintiffs

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CONNOLLY, BOVE, LODGE & HUTZ, LLP
BY: MATTHEW F. BOYER, ESQ.

-and-

SHAWE & ROSENTHAL
BY: ARTHUR M. BREWER, ESQ. and
ERIC HEMMENDINGER, ESQ.
(Baltimore, Maryland)

Counsel for Defendants

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1 (REPORTER'S NOTE: The following is an excerpted
2 transcript.)

3 MR. MARTIN: Your Honor, I just had a couple
4 other housekeeping matters to address to the Court.

5 One is with regard to closing argument, I
6 believe that, and I'm just confirming with the Court, that I
7 will be able to use any written interrogatory responses or
8 requests for admissions as part of my presentation that have
9 been completed by defense counsel?

10 THE COURT: Well, I've never had them used in
11 closing when they have not been introduced as evidence.

12 MR. MARTIN: Well, your Honor, I had a
13 particular problem in that the verification for these things
14 was done by Phil Owen, and, you know, I could not get them
15 in through Mr. Wilson yesterday, who stood up there in Mr.
16 Owen's place.

17 THE COURT: I kind of thought they were court
18 records and didn't need to come in. In other cases, they
19 are the exception of having -- they are not really -- I
20 don't necessarily need them to come through a witness. You
21 can stand up and read them, if you want to.

22 My only concern is interrogatory answers
23 generally are preceded by so many objections, I would want
24 to see, and I would certainly want defense counsel to see
25 what you intended. Admissions certainly are admissions and

1 can come in. Interrogatories, generally I have a problem
2 with. They can always be used as impeachment, but as just
3 an admission itself, I'm not confident how that works.

4 So if you've got interrogatories, I want to
5 review them. I certainly want defense counsel to review
6 them. Admissions, you should read into the record.

7 MR. MARTIN: Could they be used to also -- also
8 with the Elmo to present to the jury?

9 (End of excerpted transcript.)

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1 (REPORTER'S NOTE: The following is an excerpted
2 transcript.)

3 (Sidebar conference held as follows.)

4 THE COURT: Two things. Mr. Martin, we had had
5 a discussion about your reading admissions or
6 interrogatories into the record.

7 MR. MARTIN: Yes.

8 THE COURT: I take it you purposely have not
9 done that?

10 MR. MARTIN: No, your Honor. Well, I said that
11 was going to be done in-camera.

12 THE COURT: It does not have anything to do with
13 the issues that the jury has?

14 MR. MARTIN: Yes, they do.

15 THE COURT: Well --

16 MR. MARTIN: And I have them and I can read them
17 in right now.

18 THE COURT: What I said was, before the record
19 closes, that any requests for admissions can be simply read.
20 I don't have to review them. It was the answers to
21 interrogatories that I would want to review before you did
22 that.

23 MR. MARTIN: Okay.

24 THE COURT: And I have not seen those.

25 MR. MARTIN: Okay.

1 THE COURT: So I mean if you have some, and I
2 expected you to confer with counsel so that we can finish
3 this up.

4 MR. MARTIN: May we have a few minutes to do
5 that, your Honor? I mean, it's early in the day. It's
6 2:30.

7 THE COURT: All right.

8 MR. MARTIN: And I appreciate the Court's -- I
9 thought I was just going to do that in-camera, for purposes
10 of the closing, and I apologize. I misunderstood.

11 THE COURT: No. It's got to be part of the
12 record. It can't be done just in closing.

13 MR. MARTIN: Okay.

14 THE COURT: So I will send the jury into the
15 jury room for 15 minutes while we finish this up.

16 The other thing I wanted to tell you is, under
17 my standard practice, no matter how many hours you have
18 left, I only give you two for your closing, because jurors'
19 eyes start glazing over.

20 MR. MARTIN: Two -- two meaning --

21 THE COURT: No. Each. Two hours. Each two
22 hours.

23 MR. MARTIN: Your Honor, I can't imagine doing a
24 closing --

25 THE COURT: Well, you have not sat through some

1 of my patent cases.

2 MR. MARTIN: Patent cases, yes.

3 THE COURT: I just wanted to make sure, because
4 you all have multiple hours left. I just wanted to make
5 that we did not need to go forward with closing today.

6 MR. MARTIN: I can't imagine I would be more
7 than 45 minutes.

8 THE COURT: Well, part of it is because we
9 weren't as careful of keeping track of the evidentiary
10 issues. I will send the jury back 15 minutes while we
11 straighten out this last bit.

12 (End of sidebar conference.)

13 (End of excerpted transcript.)

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